IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.13003 of 2003

Dated: 20-09-2007

Between:

Smt. K. Rajeshwari, w/o late K. Babu Rao,
r/o 19, Thilak Street, T. Nagar,
Madras – 17.

... Petitioner

and

1. The Government of Andhra Pradesh,
   Medical & Health Department,
   Secretariat Buildings,
   Hyderabad,
   rep. by its Principal Secretary and 4 others.

... Respondents

ORDER:

Petitioner states that she is the absolute owner of the building bearing No.23-6-45 situated at Kummuvari Street, Satyanarayanapuram, Vijayawada and the same was given on lease to respondents 2 and 3 in 1993 for establishing their Dispensary. At that time, the rent was fixed at Rs.3,750/- per month. Subsequently the Government issued G.O.Ms.No.35 Finance and Planning (FIN.WING-EBS-PWD) Department, dated 01-03-1997, as per which the rent shall be revised once in every two years.

2. The grievance of the petitioner is that despite the instructions in G.O.Ms.No.35, dated 01-03-1997, the respondents have not increased the rent, right from the first date of occupation of the building in question, and hence she approached this Court and filed the present writ petition for enhancement of rent.

3. The second respondent in his counter affidavit while admitting that the agreed rent at the time of occupation of the building was Rs.3,750/- per month, clearly averred that 5% escalation prescribed in G.O.Ms.No.35 was applied and thus an amount of Rs.4,342/- per month is being paid presently to the petitioner.

4. Heard learned counsel for the parties.

5. In the light of the said factual aspects, this Court is unable to agree with the contention put forth by the learned counsel for the petitioner that the rent is paid at the rate of Rs.3,750/- per month even in 2003. Accordingly, I see no merits in the writ petition.

6. In the result, the writ petition is dismissed. No costs.

At this juncture, learned counsel for the petitioner submitted that the petitioner has to receive certain arrears from the respondents. It is made clear that, if really there are any arrears of rent from the respondents,

the petitioner is not precluded from collecting the said arrears from the respondents.

JUSTICE GOPALAKRISHNA TAMADA

Dt.20-09-2007
GLV